

REMARKS

With this Amendment, Applicants add new Claims 3-13. Therefore, Claims 1-13 are all the claims currently pending in the present application.

General Remarks

Applicants note that the Examiner has returned a duly signed and initialed copy of the PTO-Form 1449 filed with the December 24, 2003 IDS.

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Hayakawa, U.S. Patent No. 5,907,336 (“Hayakawa”), in view of Matsui et al., U.S. Patent No. 5,896,143 (“Matsui”), and Matsuhashi, EP 0786351 (“Matsuhashi”).

Claims 1 and 2

Regarding the Examiner’s rejection of Claims 1 and 2 over Hayakawa, Matsui, and Matsuhashi, Applicants respectfully submit that the cited combination of references fails to teach or suggest all of the claimed limitations.

Claim 1 refers to an inkjet recording device that comprises ink-receiver holes and a means for determining the amount of ink accumulated in the holes. The holes receive ink that is discharged from a recording head, and the means for determining the amount of ink accumulated in the holes verifies whether or not a certain amount of ink has been discharged into the holes. When a certain amount of ink has been discharged into the holes, the inkjet recording device switches to a printing mode that does not discharge ink into the ink-receiver holes.

On page 3 of the Office Action, the Examiner contends that Matsuhashi suggests switching an inkjet recording device into a printing mode in which ink is not discharged into ink-

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No. 10/743,780

Q79166

receiver holes when a certain amount of ink has been discharged into the holes. Specifically, the Examiner contends that Matsuhashi discloses a detector 173 and 174 that detects whether or not ink absorbing material 114a (within a wasted ink recovery unit 113a) is full of ink. If the material 114a is full, the printing operation of the printer is stopped. The Examiner contends that “printing stop is different mode, so when the printing stops, no ink is discharged into the waste ink tank [113a].” Thus, the Examiner seems to maintain that the reference suggests switching to a “printing mode” (i.e. a “stop” mode) that does not discharge ink into ink-receiving holes.

Applicants respectfully disagree with the Examiner’s interpretation of the phrase “printing mode.” Applicants respectfully submit that the Examiner has ignored the term “printing” as recited in Claim 1. Even assuming, arguendo, that stopping printing is arguable a “mode” of Matsuhashi’s printer, it is not a “printing mode.” Specifically, the term “printing” modifies the term “mode,” and the plain meaning of the term “printing” implies some sort of printing operation. Therefore, Applicants submit that the “printing mode” recited in Claim 1 requires some sort of mode in which printing is performed.

In contrast, in Matsuhashi, in stopping the printing operation does not suggest a “printing mode.” Therefore, stopping a printing operation when the ink absorbing material 114a is full does not teach the claimed feature of “switching to a printing mode” as recited in the claim.

Since Hayakawa and Matsui do not suggest the features of the claims as discussed above, Applicants submit that Claim 1 is patentable over the cited combination of references. Also, since Claim 2 recites analogous features, Applicants respectfully request that the §103(a) rejection of Claims 1 and 2 be reconsidered and withdrawn.

New Claims 3-13

Applicants have added new Claims 3-13 in order more fully to cover various aspects of Applicants' invention as disclosed in the specification. Applicants submit that Claims 3-13 are patentable over the cited combination of references for at least the reasons presented above with respect to Claims 1 and 2.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Laura Moskowitz
Registration No. 55,470

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 29, 2004